

ASSEMBLY BILL

No. 1601

Introduced by Assembly Member Laird

February 22, 2005

An act to amend Section 1596.66 of the Health and Safety Code, relating to child care, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1601, as introduced, Laird. Child care: provider registration: background checks.

Existing law establishes a process whereby any license-exempt child care provider is authorized to initiate a background examination to be a trustline provider, defined as a person 18 years of age or older who provides child care or supervision, or any person providing in-home educational or counseling services to a minor, and who is not otherwise required to be licensed.

Existing law requires each license-exempt child care provider who is compensated, in whole or in part, with funds provided pursuant to the Alternative Payment Program or the federal Child Care and Development Block Grant Program, except a provider who is, by marriage, blood, or court decree, the grandparent, aunt, or uncle of the child in care, to be registered as a trustline provider, as defined, in order to be eligible to receive that compensation. In order to register, existing law requires that the above providers submit fingerprints and a trustline application to the local child care resource and referral agency, which is required to transmit the fingerprints and completed trustline applications to the State Department of Social Services and address any local problems that occur in the registration system.

Existing law requires the California Child Care Resource and Referral Network to notify the applicable local child care resource and referral agencies, alternative payment programs, and county welfare departments of the status of the trustline applicants and registered trustline child care providers.

This bill would authorize the network to transmit that notification electronically.

Before approving the person's application, existing law requires the department to check the individual criminal history against the child abuse index and requires the department, if the department finds that the trustline applicant has been convicted of a crime other than a minor traffic violation, to deny the application, unless the director grants an exemption. Existing law requires the department to notify the network of these application denials.

By July 1, 2005, for the above application denials, the bill would require the department to provide the network with the name of the appropriate licensing analyst and whether the provider could qualify for an exemption for any violations found.

The bill would require the department, by January 1, 2006, to adopt and implement regulations to shorten the overall trustline application process to less than 60 days. The bill would require that those regulations require licensed exempt child care providers to submit a trustline application within 14 days of the start of child care services. The bill would require the department to report on the status of the regulations to fiscal committees of both houses at the 2006–07 budget hearings.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1596.66 of the Health and Safety Code
- 2 is amended to read:
- 3 1596.66. (a) Each license-exempt child care provider, as
- 4 defined pursuant to Section 1596.60, who is compensated, in
- 5 whole or in part, with funds provided pursuant to the Alternative
- 6 Payment Program, Article 3 (commencing with Section 8220) of
- 7 Chapter 2 of Part 6 of the Education Code or pursuant to the

1 federal Child Care and Development Block Grant Program,
 2 except a provider who is, by marriage, blood, or court decree, the
 3 grandparent, aunt, or uncle of the child in care, shall be registered
 4 pursuant to Sections 1596.603 and 1596.605 in order to be
 5 eligible to receive this compensation. Registration under this
 6 chapter shall be required for providers who receive funds under
 7 Section 9858 and following of Title 42 of the United States Code
 8 only to the extent permitted by that law and the regulations
 9 adopted pursuant thereto. Registration under this chapter shall be
 10 required for providers who receive funds under the federal Child
 11 Care and Development Block Grant Program only to the extent
 12 permitted by that program and the regulations adopted pursuant
 13 thereto.

14 (b) For the purposes of registration of the providers identified
 15 in subdivision (a), the following procedures shall apply:

16 (1) Notwithstanding subdivision (a) of Section 1596.603, the
 17 provider shall submit the fingerprints and trustline application to
 18 the local child care resource and referral agency established
 19 pursuant to Article 2 (commencing with Section 8210) of
 20 Chapter 2 of Part 6 of the Education Code. The local child care
 21 resource and referral agency shall transmit the fingerprints and
 22 completed trustline applications to the department and address
 23 any local problems that occur in the registration system. If a fee
 24 is charged by the local child care resource and referral agency
 25 that takes a provider's fingerprints, the provider shall be
 26 reimbursed for this charge by the State Department of Education,
 27 through the local child care resource and referral agency, from
 28 federal Child Care and Development Block Grant funds to the
 29 extent that those funds are available.

30 (2) The department shall adhere to the requirements of
 31 Sections 1596.603, 1596.605, ~~1596.606~~, and 1596.607 and shall
 32 notify the California Child Care Resource and Referral Network
 33 of any action it takes pursuant to Sections 1596.605, ~~1596.606~~,
 34 and 1596.607.

35 (3) The California Child Care Resource and Referral Network
 36 shall notify the applicable local child care resource and referral
 37 agencies, alternative payment programs, and county welfare
 38 departments of the status of the trustline applicants and registered
 39 trustline child care providers. *The network may notify those*
 40 *entities electronically.* The network shall maintain a toll-free

1 telephone line to provide information to the local resource and
2 referral agencies, the alternative payment programs, and the child
3 care recipients of the status of providers.

4 *(4) By July 1, 2005, for any action taken pursuant to*
5 *paragraph (2), the department shall provide the Child Care*
6 *Resource and Referral Network with the name of the appropriate*
7 *licensing analyst and whether the provider could qualify for an*
8 *exemption for any violations found.*

9 (c) This section shall become operative only if funds
10 appropriated for the purposes of this article from Item
11 6110-196-890 of Section 2 of the Budget Act of 1991 are
12 incorporated into and approved as part of the state plan that is
13 required pursuant to Section 658(E)(a) of the federal Child Care
14 Block Grant Act of 1990 (Sec. 5082, P.L. 101-508).

15 *(d) By January 1, 2006, the department shall adopt and*
16 *implement regulations to shorten the overall trustline process to*
17 *less than 60 days. These regulations shall require licensed*
18 *exempt child care providers to submit a trustline application*
19 *within 14 days of the start of child care services. The department*
20 *shall report on the status of these regulations to fiscal*
21 *committees of both houses at the 2006–07 budget hearings.*

22 SEC. 2. This act is an urgency statute necessary for the
23 immediate preservation of the public peace, health, or safety
24 within the meaning of Article IV of the Constitution and shall go
25 into immediate effect. The facts constituting the necessity are:

26 To improve and streamline the trustline provider registry
27 process as soon as possible, it is necessary that this act go into
28 effect immediately.